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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,567	07/31/2000	Li Wen Liu	A-69366/MAK/LM	4144
30636	7590	05/19/2005	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			TRAIL, ALLYSON NEEL	
		ART UNIT	PAPER NUMBER	
		2876		

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/628,567	LIU ET AL.	
	Examiner	Art Unit	
	Allyson N. Trail	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 February 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16-26 and 28-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16-26 and 28-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed February 25, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-18, 20-22, 24, 25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forsythe et al (6,540,137) in view of Rotman et al (2003/0018550).

Forsythe et al teaches the following in regards to claims 16, 17, 24, and 32:

Figure 1 shows a cashier-side unit 76 and a customer-response unit (customer interface unit) 78, which includes a payment terminal. The customer-response unit includes a communication link (communication line) 156. (Col. 32, line 65).

Figure 21 shows the interactive customer interface terminal 78 including a display monitor 78a, which is provided to display retail information to the customer during operation of the checkout system 10. For example, transaction information such as item price, item description, total amount of the transaction, instructions, etcetera is displayed to the customer via the display monitor 78a during operation of the checkout system 10 in either its assisted mode of operation or its self-service mode of operation. (See column 17, lines 14-22). Shown in figure 1 is the personnel side 42. The

personnel side includes a personnel interface 76. Items are scanned with scanner 26 and the monetary amount is displayed on the personnel interface.

Explained below is the communication between the cashier-side unit and the customer-response unit.

"The processing unit 78b communicates with the personnel interface terminal 76 through a data communication line 156 (i.e. a data cable). The processing unit 78b generates output signals on the data communication line 156 which cause instructional messages and transaction information to be displayed on the display monitor 76a (see FIG. 23) of the personnel interface terminal 76. Moreover, data signals generated by the keypad 76b associated with the personnel interface terminal 76 are transmitted to the processing unit 78b via the communication line 156 when retail personnel touches a particular key associated with the keypad 76b." (Col. 32, line 64 – Col. 33, line 7).

The customer-response unit includes a payment terminal 44, which consists of a card reader, a coin and bill accepter, and a keypad. The customer chooses his preferred method of payment and completes the transaction.

Forsythe et al teaches the following in regards to claims 20 and 25:

"Moreover, customer-specific messages may be displayed to the customer on the display monitor 78a at certain times during a checkout transaction. What is meant herein by the term "customer-specific" in regard to messages is a retail message that is customized for a given customer based on the purchasing habits or other information that is unique to the customer. For example, a customer-specific message may include

a customer-specific advertisement which advertises a product that was purchased by the customer during a previous visit to the retailer's store." (Col. 17, lines 28-37).

Forsythe et al teaches the following in regards to claim 21:

Figure 9B shows a signature capture device 102. The processing unit 78b (part of the customer-response unit) communicates with the signature capturing device.

Forsythe et al teaches the following in regards to claim 22:

"Hence, the processing unit 78b communicates with the electronic payment terminal in order to receive data read from the customer's card or codes such as PIN numbers which are input by the customer via use of the keypad." (Col. 26, lines 54-58).

Forsythe et al fails to teach transmitting the customer input (payment information) to a remote service provider for authorization.

Rotman et al teaches the following in regards to claims 16 and 18:

"FIG. 2B is an exemplary block diagram depicting an authorization and posting process, consistent with the principles of the present invention. During a transaction with a customer, merchant point-of-sale ("POS") device 222 sends an authorization request to credit card clearinghouse system 224. The authorization request from merchant POS device 222 will result in an authorization decision from authorization system 224 once the authorization system 224 obtains authorization from issuer mainframe 226, which is the authorization decision maker. Issuer mainframe 226 uses known methods to determine whether a transaction should be authorized, including making sure that the card is not over its limit, verifying billing address information, and

referencing lists of card numbers corresponding to lost or stolen cards." (Page 4, paragraph 0059).

In view of Rotman et al's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to transmit the payment received by Forsythe et al's payment terminal to a remote service provider for authorization. Although this step is not disclosed by Forsythe et al, all payment systems that use credit or debit cards check for authorization before fully completing the purchasing transaction. One would be motivated to authorize the payment card in order to ensure that funds are available to cover the cost of the product being purchased.

4. Claims 19, 23, 26, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forsythe et al (6,540,137) in combination with Rotman et al (2003/0018550) and in further view of Smith et al (2003/0126020).

Forsythe et al's teachings in combination with the teachings of Rotman et al are discussed above. These teachings include the limitations disclosed in claims 28-30. Forsythe et al additionally teaches printing a receipt (figure 14). The combination fails to teach storing electronic receipts and also fails to teach the customer input being biometric data.

Smith et al teaches the following in regards to claims 19 and 23, 26, and 31.

"Typically, an electronic receipt will be generated by a vendor device at a point-of-sale. When a transaction takes place, an electronic receipt may be transmitted from the vendor device to a purchaser device where the receipt may be stored for further

processing within the device or for further transmission to other devices and systems."

(Page 2, paragraph 0017).

"Some embodiments of WPD 2 may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPD user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts." (Page 3, paragraph 0032).

In view of Smith et al's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to electronically store the receipts and additionally use biometric data to identify the customer. Forsythe et al teaches printing the receipt for the customers. The printed receipts are used in part for returns. One would be motivated to store all customer receipts in order to make customer returns easier if the printed receipt is lost. Additionally, Forsythe et al teaches using a PIN to ensure the authenticity of the customer. Using biometric data in addition to using a PIN would only further ensure the authenticity of the payment card owner.

Response to Arguments

5. Applicant's arguments, see pages 1-5, filed February 25, 2005, with respect to the rejection(s) of claim(s) 16-19, 24-26, and 32 under U.S.C. 102(e) and claims 21-23 and 29-31 under U.S.C. 103(a) have been fully considered but they are not persuasive. Applicants argue that Rotman et al fails to teach transmitting customer input to a remote

service provider for authorization. It is clear from Rotman et al's teachings that credit card data is sent along with the total price data in order to verify both that the authorized customer is using the card and that the customer's credit card will be able to cover the payment amount. The independent claims do not specify what the "customer input" comprises. It is later disclosed (dependent claims) that the customer input includes an electronic signature, a PIN, and biometric data. Rotman et al teaches inputting an electronic signature and using a personal identification number. Smith et al teaches inputting biometric data. These teachings are combined with the method of transmitting customer input (card data) to a remote service provider for authorization. It is clear that in addition to using card data, electronic signatures, PINs, and biometric data would only further authenticate the customer as the card owner.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
May 11, 2005

Jared J. Fureman
JARED J. FUREMAN
PRIMARY EXAMINER